

Jose Rivera

From: Thomas, William [William.Thomas@hud.gov]
Sent: Friday, May 29, 2009 3:48 PM
To: Jose Rivera
Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium;

Jose M Rivera, Esquire, Partner
D'Agostino, Levine & Landesman, L.L.P.
345 Seventh Avenue, 23rd Floor
New York NY 10001
(212) 564-9800 Ext. 414
Fax (212) 564-9802
email: jrivera@dagll.com

BY WAY OF REPLY, PLEASE CONFIRM RECEIPT OF THIS E-MAIL.

ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium;

ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium;

In preparing to submit the Advisory Opinions for Director Approval, upon my final review I have found that there may be one possible formal deficiency. Based upon our mutual working together in the last several weeks, this e-mail is being sent to offer the ability to modify the material for the Advisory Opinions. On behalf of the Developer, please provide the following Statements for each Development (if you feel uncomfortable providing such a statement, in an affirmation format, please have the Developer provide)

Hunters View Condominium

The Developer did not employ and will not employ any device, scheme or artifice to defraud, obtain money or property by means of any untrue statement of a material fact, omit to state a material fact necessary in order to make the statements made not misleading, with respect to any information pertinent to the Condominium or has not engaged in or will not engage in any transaction, practice, or course of business which operated or would operate as a fraud or deceit on a purchaser and the anti-fraud provisions of 24 CFR § 1710.4(b) and (c).

One Hunters Point Condominium

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You can call me, William J. Thomas, on (202) 402-3006 if you have questions. My e-mail address is

HP000389

7/27/2009

william.thomas@hud.gov.

William J. Thomas

William J. Thomas, MBA, Certified Paralegal
Consumer Protection Compliance Specialist
Office of RESPA/Interstate Land Sales
Department of Housing and Urban Development
Room 9154
451 7th Street SW
Washington DC 20410
Phone: 202-402-3006
Fax: 202-708-4559

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7/27/2009

HP000390

Jose Rivera

From: Jose Rivera
Sent: Friday, May 29, 2009 4:52 PM
To: 'Thomas, William'
Subject: RE: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium;

Good afternoon Mr. Thomas.

I hope all is well.

I am hereby confirming receipt of the email below and will have our client provide you with affidavits very shortly.

Thank you for your assistance with this matter.

Best regards,
Jose

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Jose M. Rivera, Esq., Partner
D'Agostino, Levine & Landesman, L.L.P.
345 Seventh Avenue
23rd Floor
New York, New York 10001
email: jrivera@dagll.com
(212) 564-9800 Ext. 414 Fax (212) 564-9802

Website: www.dagll.com

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8/13/2009

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To: Jose Rivera
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You can call me, William J. Thomas, on (202) 402-3006 if you have questions. My e-mail address is william.thomas@hud.gov.

8/13/2009

HP000392

William J. Thomas

William J. Thomas, MBA, Certified Paralegal
Consumer Protection Compliance Specialist
Office of RESPA/Interstate Land Sales
Department of Housing and Urban Development
Room 9154
451 7th Street SW
Washington DC 20410
Phone: 202-402-3006
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8/13/2009

HP000393

Jose Rivera

From: Jose Rivera
Sent: Friday, May 29, 2009 6:34 PM
To: 'William.Thomas@HUD.gov'; John D'Agostino
Subject: Fw: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View Condominium and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC; One Hunters Point Condominium

Attachments: Developers affidavit - Hunters View.pdf; Developers affidavit - One Hunters Point.pdf



Developers Developers
davit - Hunterdavit - One Hu

Good afternoon Bill.

Here are copies of the affidavits which will be sent to you via fed ex on Monday.

Please let me know if you have any questions.

Have a great weekend.

Thanks
Best regards,

Jose

Jose M. Rivera, Esq., Partner
D'Agostino Levine & Landesman, LLP
345 Seventh Avenue
23rd Floor
New York, New York 10001
Tel: (212) 564-9800
Fax: (212) 564-9802
Jrivera@dagll.com. Website www.dagll.com

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----- Original Message -----

From: Brian Sampson <bsampson@simdev.com>

To: Jose Rivera

Cc: John D'Agostino

Sent: Fri May 29 18:18:34 2009

Subject: ILS-32439; 11/49 Realty LLC and Simone Development Company LLC; Hunters View

Condominium and ILS-32438 Borden East River Realty LLC and Simone Development Company LLC;
One Hunters Point Condominium

Please see the attached executed Affidavits. The originals will be overnighted to your
office for delivery Monday morning.

Brian

Brian T. Sampson

Vice President and General Counsel

Simone Development Companies

1000 Main Street

New Rochelle, NY 10801

Telephone: 914-576-5000 x7864

Facsimile: 914-576-4000

Email: bsampson@simdev.com <<http://by112fd.bay112.hotmail.msn.com/cgi-bin/compose?mailto=1&msg=2E2B8879-F920-470A-B97B-4513D540B3E7&start=0&len=10603&src=&type=x&to=bsampson@simdev.com&cc=&bcc=&subject=&body=&curmbox=00000000-0000-0000-0000-000000000001&a=b17d28b00e176a3db352fff04443f4fb9f2d1e2b1d6a8e2a2534340a9a6525fd>>

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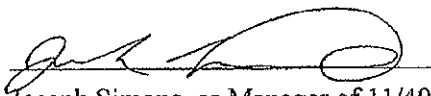
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Developer's Affidavit

STATE OF NEW YORK)
)ss:
COUNTY OF WESTCHESTER)

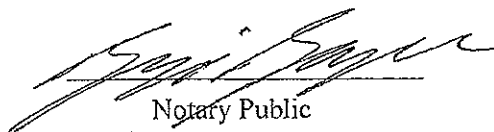
Joseph Simone, being duly sworn, deposes and says:

1. I am the Manager of 11/49 Realty LLC with an office at 1000 Main Street, New Rochelle, NY 10801, hereinafter the "Developer," and I am authorized to make the representations hereunder. The Developer is the owner of the land, buildings and/or structures, also known as Hunters View Condominium, located at 48-15 11th Street, Long Island City, New York.
2. I hereby certify that: The Developer did not employ and will not employ any device, scheme or artifice to defraud, obtain money or property by means of any untrue statement of a material fact, omit to state a material fact necessary in order to make the statements made not misleading, with respect to any information pertinent to the Condominium or has not engaged in or will not engage in any transaction, practice, or course of business which operated or would operate as a fraud or deceit on a purchaser and the anti-fraud provisions of 24 CFR § 1710.4(b) and (c).



Joseph Simone, as Manager of 11/49 Realty LLC

Sworn to before me this
29th day of May, 2009.



Notary Public

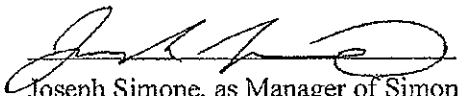
BRIAN T. SAMPSON
Notary Public, State of New York
No. 02SA6162480
Qualified in New York County
Commission Expires March 12, 2011

Developer's Affidavit

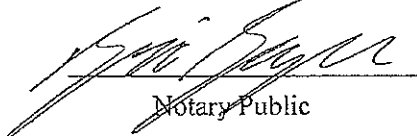
STATE OF NEW YORK)
)ss:
COUNTY OF WESTCHESTER)

Joseph Simone, being duly sworn, deposes and says:

1. I am the Manager of Simone Borden LLC, the Managing Member of Borden East River Realty LLC with an office at 1000 Main Street, New Rochelle, NY 10801 hereinafter the "Developer," and I am authorized to make the representations hereunder. The Developer is the owner of the land, buildings and/or structures, also known as One Hunters Point Condominium, located at 5-49 Borden Avenue, Long Island City, New York.
2. I hereby certify that: The Developer did not employ and will not employ any device, scheme or artifice to defraud, obtain money or property by means of any untrue statement of a material fact, omit to state a material fact necessary in order to make the statements made not misleading, with respect to any information pertinent to the Condominium or has not engaged in or will not engage in any transaction, practice, or course of business which operated or would operate as a fraud or deceit on a purchaser and the anti-fraud provisions of 24 CFR § 1710.4(b) and (c).


Joseph Simone, as Manager of Simone
Borden LLC, the Managing Member of
Borden East River Realty LLC

Sworn to before me this
29 day of May, 2009.


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Notary Public, State of New York
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D'AGOSTINO, LEVINE & LANDESMAN, L.L.P.

Attorneys At Law
345 Seventh Avenue • 23rd Floor
New York, New York 10001

212-564-9800
Fax 212-564-9802

JOHN D'AGOSTINO
MICHAEL J. LEVINE*
WAYNE R. LANDESMAN*
BETTINA M. MIRAGLIA*
JOSE M. RIVERA*
GEORGE TZIMOPOULOS*

KELLYANN S. MONAGHAN
JARED B. VANVLEET
JONATHAN D. GOTTLIEB*
JULIA L. WACHTER
BROOKE N. ESTREN
ERIC R. GARCIA

* ALSO ADMITTED IN NJ
• ALSO ADMITTED IN CT
• ALSO ADMITTED IN MA

COUNSEL
BRUCE H. LEDERMAN*

WRITER'S E-MAIL:

jdagostino@dagil.com

June 1, 2009

Via Fed Ex

Mr. William Thomas
U.S. Department of Housing and Urban Development
Office of RESPA and Interstate Land Sales
451 Seventh Street, SW, Room 9154
Washington, DC 20410

Re: ILS 32438 and ILS 32439, Borden East River Realty LLC ("Borden"),
11/49 Realty LLC ("11/49"), (collectively Borden and 11/49 are referred
to as the "Developers") and Simone Development Company L.L.C., One
Hunters Point Condominium ("Hunters Point"); I-09-096; I-09-131; and
I-09-133, Hunters View Condominium, ("Hunters View") I-09-97
(collectively the "Projects")

Dear Mr. Thomas:

As you know we are counsel to Borden and 11/49.

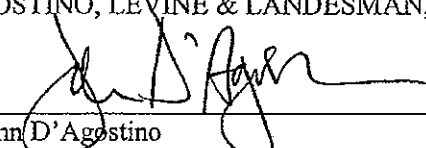
We are hereby responding to your request, via email dated May 29, 2009, requesting anti fraud affidavits from the Developers of the respective Projects.

Please see the enclosed original anti fraud affidavits executed by the Developers of the respective Projects.

Should you require any additional information please call.

Very truly yours,

D'AGOSTINO, LEVINE & LANDESMAN, L.L.P.

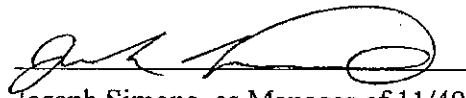
By: 
John D'Agostino

Developer's Affidavit

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COUNTY OF WESTCHESTER)

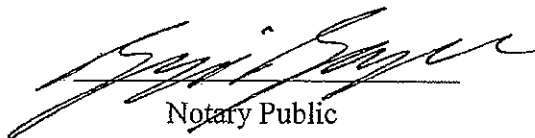
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Notary Public

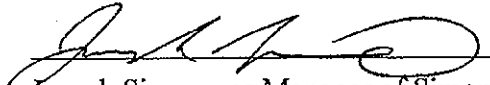
BRIAN T. SAMPSON
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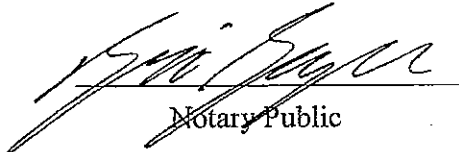
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